

February 17, 2021

President Stonecipher announced that the Council is still abiding by Governor Inslee's Safe Start guidelines, and as a result, City Council meetings will continue to be held remotely with all meetings scheduled at 6:30 p.m. each Wednesday, except the fourth Wednesday of the month when the meeting is scheduled at 12:30 p.m. She stated public comments may be emailed to [council@everettwa.gov](mailto:council@everettwa.gov) prior to the meeting. President Stonecipher stated that live public comment will be accepted one-half hour before the start of the meeting by calling 1.425.616.3920, Conference ID 580 857 712#. If citizens have difficulty calling in or connecting, please contact [dwilliams@everettwa.gov](mailto:dwilliams@everettwa.gov). Individuals may also call 1.425.616.3920 to listen to the Council meetings, Conference ID 724 887 726#. Citizens are encouraged to view meetings live on Comcast Channel 21, Frontier Channel 29, and on the City website at [www.everettwa.gov/council](http://www.everettwa.gov/council).

The regular meeting of the Everett City Council was called to order at 6:33 p.m., February 17, 2021, Council Member Tuohy presiding. Upon roll call, it was found that Mayor Franklin and Council Members Roberts, Murphy, Moore, Vogeli, Bader, and Tuohy were present.

The minutes of the February 3, 2021, City Council meeting were approved as printed. Council Member Murphy abstained from the vote.

The minutes of the February 10, 2021, City Council Working Session were approved as printed.

#### MAYOR

Mayor Franklin shared organizational changes at the Everett Public Library, which reduces management staffing levels and increases front-line library personnel.

#### COUNCIL

Council Member Vogeli reported on her attendance at the Cascade View-Twin Creeks Neighborhood and the Harborview-Seahurst-Glenheaven Neighborhood meetings.

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Council Member Roberts stated that he was able to view the ReThink Housing forum hosted by Community Planning and Economic development. He also provided a liaison report on his attendance at the Port Gardner Neighborhood and the Delta Neighborhood meetings.

Council Member Moore thanked the Public Works Department for their work during the snowstorm.

Council Member Bader also thanked the Public Works Department.

President Stonecipher provided a liaison report from the Library Board meeting held Tuesday evening, and thanked the Mayor and Administration for the great job on the library reorganization. She also stated that she will finalize Council assignments later this week.

#### ADMINISTRATION UPDATE ON PRIOR BUSINESS

Deputy Mayor Nick Harper had no updates.

#### CITY ATTORNEY

City Attorney David Hall requested a 25-minute executive session regarding two litigation matters pursuant to RCW 42.30.110 (1)(i) with an announcement to follow and a legal matter pursuant to RCW 42.30.110 (1)(i)(3) with no announcement to follow.

#### PUBLIC COMMENT

The following individuals submitted comments in support of the pallet shelter program via email:

- Carol Jensen
- Lynda Hawkins
- Kari Quaas

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- Angela De Filippo
- Maureen Malley
- Alison Ahlgrim

Alex Orleans submitted a comment via email opposing the pallet shelter program.

Ryan Weber submitted a comment via email in support of a parks project.

**CONSENT ITEMS:**

President Stonecipher announced that Consent Item No. 7 was moved to the Action Agenda for the purpose of discussion.

**Moved by Council Member Roberts, seconded by Council Member Moore, to approve the following consent items:**

**RESOLUTION - CLAIMS**

**To adopt Resolution No. 7607 authorizing claims against the City of Everett in the amount of \$1,989,426.78 for the period of January 23, 2021, through January 29, 2021.**

**RESOLUTION – PAYROLL CLAIMS**

**To adopt Resolution No. 7608 authorizing payroll claims against the City of Everett in the amount of \$4,049,208.23 for the period ending January 16, 2021.**

**RESOLUTION – PAYROLL CLAIMS**

**To adopt Resolution No. 7609 authorizing payroll claims against the City of Everett in the amount of \$4,111,164.90 for the period ending January 30, 2021.**

**BID CALL – 2021 PAVEMENT MAINTENANCE OVERLAY PROJECT**

**To authorize a Call for Bids for the 2021 Pavement Maintenance Overlay Project.**

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BID CALL - #2021-008 FOR 2021 BIOSOLIDS HAUL AND LAND APPLICATION

To authorize the Release of Invitation for Bid #2021-008 for 2021 Biosolids Haul and Land Application.

PURCHASE - TWO NORTH STAR 173-3 TYPE III AMBULANCES

To award and authorize the purchase of two (2) North Star 173-3 Type III Ambulances using Marysville Fire District 2018 Contract /COE #2018-111 in the amount of \$426,737.73, including Washington State sales tax and motor vehicle excise tax.

JOB COMPLETE - EVERPARK GARAGE STRUCTURAL REPAIRS PROJECT

To accept Everpark Garage Structural Repairs Project as complete and authorize the Mayor to sign the Certificate of Completion with F. D. Thomas, Inc. in the amount of \$1,436,840.70.

RFP AWARD - PROCUREMENT, CONTRACT, AND GRANT MANAGEMENT

To award and authorize the Mayor to sign contracts from RFP #2020-062 Procurement, Contract, and Grant Management to Perfect Commerce, LLC: A Proactis Company in the amount of \$77,589.07 and Streamlink Software Inc. dba Amplifund as most advantageous to the City in the amount of \$40,461.30 for an initial two-year contract term and successive one-year extension options at the sole discretion of the city of Everett.

RFP AWARD - PUBLIC PRIVATE PARTNERSHIPS – PARK PROPERTIES

To award and authorize the Mayor to sign contract in substantially the form provided for Request for Proposal #2020-061 Public Private Partnerships – Park Properties to provide Recreational Softball League Services to USSSA Washington.



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Roll was called with all council members voting yes.

**Motion carried.**

**ACTION ITEMS:**

**MEMORANDUM OF UNDERSTANDING - REGIONAL FIRE AUTHORITY PLANNING  
COMMITTEE**

**Moved by Council Member Bader, seconded by Council Member Tuohy to authorize the Mayor to sign the Cost Sharing Memorandum of Understanding for the Regional Fire Authority Planning Committee at a cost to the City not to exceed \$74,100.**

Discussion ensued regarding the estimated overall cost of the project and other costs, including legal counsel, communication, consultant fees, and potential costs of the financial model.

Fire Chief Dave DeMarco confirmed that any additional costs will come before Council for approval and the total estimated cost, unknown at the moment, depends on decisions made by the planning committee members.

Roll was called with all council members voting yes.

**Motion carried.**

**AGREEMENT – DEVELOPMENT, PURCHASE, AND OPERATIONS OF THE PALLET  
SHELTER PILOT PROGRAM**

**Moved by Council Member Vogeli, seconded by Council Member Roberts to authorize the Mayor to sign the contract with Snohomish County Human Services in the amount of \$1,040,149 for the development, purchase, and operations of the Pallet Shelter Pilot Program.**

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Council Member Roberts spoke about the implementation of the pilot, third party obligations, the management plan, and the need to address concerns from the businesses in the proposed area.

Julie Willie, Community Development, clarified that the proposed action is just a first step to start the project. Details such as a management agreement, staffing plan, referrals into the program, behavior expectations of the participants, fire and EMS mandates, controlled access to the site, program hours and duration, guest policies, security requirements, sanitation requirements, lighting and fencing requirements, neighborhood response requirements, and financial requirements would be worked out later.

Council Member Murphy expressed his support for the pilot program. He raised a concern regarding the cost per person and the need for Council to think about future funding after the grant money is expended. He also asked about the proposed no-sit, no-lie ordinance.

**Moved by the Council Member Bader, seconded by Council Member Murphy to direct the City Attorney to prepare an ordinance establishing a no-sit, no-lie zone in the area of the pallet shelter site, specifically the area bounded by the BNSF railroad on the east and north, Broadway Avenue on the west, and 41st Street on the south, both sides of these rights of way, to insure that the pallet shelter site would not be implemented if the no-sit, no-lie ordinance was not adopted by the Council, and if the no-sit, no-lie zone were to be struck down by a court, that the pallet shelter site would have to be closed within one week of that court decision, and that the city attorney would bring back the proposed no-sit, no-lie ordinance next week.**

Council Member Murphy asked the City Attorney if this ordinance is defensible and supportable.

David Hall confirmed that the ordinance is defensible and supportable.

Council Member Murphy suggested a friendly amendment to the proposed ordinance to change the requirement to close the pallet shelter site within 30 days, rather than a week, in the case that the ordinance is overturned by the court.

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Council Member Bader accepted the friendly amendment.

Julie Willie reminded Council that the grant is for additional shelter capacity in the community and stated that if the proposed site would not be available, the money could still be available for another site.

Lori Cummings, Administration, asked the Council to allow Legal to bring the ordinance forward for Council consideration on March 3 rather than on February 24.

**Moved by Council Member Moore to table the proposed amendment to allow for further conversation.**

Upon receiving clarification, Council Member Moore withdrew his motion.

Considerable discussion ensued regarding the proposed boundaries, a need for guardrails to assure compatibility for the businesses in the area, what will occur should the ordinance be adopted but the pallet shelters are not established on the proposed site, the legality of the ordinance, what happens to the funding if the no-sit, no-lie ordinance should be found unconstitutional, land use processes, other forms of housing and opportunities for housing, the management plan, and the timing of the proposed amendment.

David Hall stated that the adequacy of the management plan would be heard during the required land use process.

Council Member Bader withdrew the amendment he proposed earlier.

**Moved by the Council Member Bader, seconded by Council Member Tuohy to direct the City Attorney to prepare an ordinance establishing a no-sit, no-lie zone in the area of the pallet shelter site to insure that the pallet shelter site would not be implemented if the no-sit, no-lie ordinance were not adopted by Council.**

Council Member Roberts stated that he supports the concept of the no-sit, no-lie ordinance; however, he is uncomfortable with the timing of the proposed ordinance.

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Roll was called with all council members voting yes, except Council Members Roberts and Vogeli who voted no.

**Motion carried.**

Roll was called on the main motion to authorize the Mayor to sign the contract with Snohomish County Human Services, as amended, with all council members voting yes.

**Motion carried.**

**COUNCIL BRIEFING AGENDA:**

*2021 Parks Capital Projects*

Presented by Bob Leonard, Parks & Facilities

President Stonecipher announced that the next meeting of the Council is scheduled for Wednesday, February 24, at 12:30 p.m. She encouraged citizens to submit comments to [council@everettwa.gov](mailto:council@everettwa.gov) prior to the meeting. Additional meeting information can be found on the City website.

The City Council recessed for a 25-minute executive session at 8:05 p.m. and reconvened at 8:30 p.m.

City Attorney Hall provided an overview of a proposed settlement agreement with Kimberly Lomeli regarding the litigation against the City related to a car accident.

**Moved by Council Member Bader, seconded by Council Member Murphy, to authorize the Mayor to sign the settlement agreement with Kimberly Lomeli in the amount \$7,500.**

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Roll was called with all council members voting yes.

**Motion carried.**


City Attorney Hall provided an overview of a proposed settlement agreement with Teresa Ceesay regarding a tort claim filed with the City related to a car accident.

**Moved by Council Member Bader, seconded by Council Member Roberts, to authorize the Mayor to sign the settlement agreement with Teresa Ceesay in the amount \$28,000.**


Roll was called with all council members voting yes.

**Motion carried.**

The City Council meeting adjourned at 8:35 p.m.

  
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City Clerk Designee

Read and approved as printed.

  
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Council President